



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/169917

PRELIMINARY RECITALS

Pursuant to a petition filed November 04, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Racine County Department of Human Services in regard to Medical Assistance, a hearing was held on December 01, 2015, at Racine, Wisconsin.

The issue for determination is whether the agency properly denied the Petitioner's application for BC+ benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

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Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Rachel Petrick

Racine County Department of Human Services
1717 Taylor Ave
Racine, WI 53403-2497

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Racine County.
2. On October 15, 2015, the Petitioner contacted the agency to apply for healthcare benefits. He reported income from Social Security Retirement of \$1,077/month. He reported a bank account and out-of-pocket medical expenses. Petitioner also receives Medicare Part A and Part B.

3. On November 4, 2015, the agency issued a Notice of Decision to the Petitioner informing him that his application for BC+ benefits was denied due to income exceeding the program limit.
4. On November 4, 2015, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

To be eligible for BadgerCare Plus (BC+) benefits, an individual must have income at or below 100% of the Federal Poverty Level. BC+ Handbook, § 16.1. The current income limit or 100% FPL is \$980.83. BC+ Handbook, § 50.1. Petitioner does not dispute that his monthly income from SSRE is \$1,077. This exceeds the eligibility limit for BC+ benefits.

In addition, adults receiving Medicare are not eligible for BC+. BC+ Handbook, § 2.1. Petitioner currently receives Medicare Part A and B which makes him ineligible to receive BC+.

Based on the evidence presented, the agency properly determined the Petitioner is not eligible for BC+.

CONCLUSIONS OF LAW

The agency properly determined the Petitioner is not eligible for BC+ due to income exceeding the eligibility limit and due to Petitioner's receipt of Medicare benefits.

THEREFORE, it is

ORDERED

That the Petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

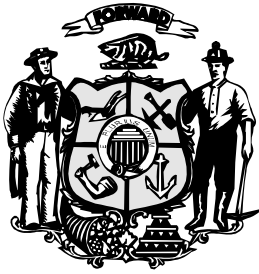
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 25th day of January, 2016

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 25, 2016.

Racine County Department of Human Services
Division of Health Care Access and Accountability